

STEVENS COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

RECEIVED
For Ecology Use Only
Received: MAY 25 2012
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: Avista Corp.

Application Number: STEV-12-01

This record of decision was made by a majority of the board at an open public meeting of the Stevens County Water Conservancy Board held on May 21, 2012. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The Stevens County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on May 21, 2012 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

Greg Daniels, Chair
Stevens County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐
Absent

Jim Gleaton, Vice Chair
Stevens County Water Conservancy Board

Date: *May 21, 2012*
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Wes McCart, Member
Stevens County Water Conservancy Board

Date: *5/21/12*
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Luke McGuire, Treasurer
Stevens County Water Conservancy Board

Date: *5/21/12*
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Tom Sparley, Member
Stevens County Water Conservancy Board

Date: *5/21/12*
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on May 25, 2012

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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STEVENS COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON
Report of Examination

RECEIVED

MAY 25 2012

DEPARTMENT OF ECOLOGY

EASTERN REGIONAL OFFICE

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

<input checked="" type="checkbox"/> Surface Water	<input checked="" type="checkbox"/> Ground Water		
DATE APPLICATION RECEIVED February 20, 2012	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) Certificate 10372(B)	WATER RIGHT PRIORITY DATE February 26, 1968	BOARD-ASSIGNED CHANGE APPLICATION NUMBER STEV-12-01

NAME

Avista Corporation

ADDRESS (STREET)

E.A. Dept., MSC-1, PO Box 3727

(CITY)

Spokane

(STATE)

WA

(ZIP CODE)

99220-3727

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.535	MAXIMUM GAL/MINUTE 240	MAXIMUM ACRE-FT/YR 200	TYPE OF USE, PERIOD OF USE Municipal, continuous year round				
SOURCE Franklin D. Roosevelt Lake (Columbia River) and Six (6) Wells			TRIBUTARY OF (IF SURFACE WATER) Pacific Ocean				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
(1) 8000267 (Falls Pump Sta.)	SW	SE	11	36N	37E	61	Stevens
(2) 8000997 (Well Tag BBL793)	SW	NE	14	36N	37E	61	Stevens
(3) 8000997 (Well Tag BCN998)	SW	NE	14	36N	37E	61	Stevens
(4) 8000997 (planned)	SW	NE	14	36N	37E	61	Stevens
(5) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
(6) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
(7) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
The service area described in the current City of Kettle Falls Water System Plan approved by the Washington State Department of Health.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	37 & 38	
				36			

Proposed Use

MAXIMUM CUB FT/ SECOND 0.535	MAXIMUM GAL/MINUTE 240	MAXIMUM ACRE-FT/YR 200	TYPE OF USE, PERIOD OF USE Industrial, continuous year round				
SOURCE Six (6) Wells (in hydraulic continuity with Franklin D. Roosevelt Lake (Columbia River))			TRIBUTARY OF (IF SURFACE WATER) Pacific Ocean				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
(2) 8000997 (Well Tag BBL793)	SW	NE	14	36N	37E	61	Stevens
(3) 8000997 (Well Tag BCN998)	SW	NE	14	36N	37E	61	Stevens
(4) 8000997 (planned)	SW	NE	14	36N	37E	61	Stevens
(5) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
(6) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
(7) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED					
<p>A reduced area within the existing Place of Use, specifically land owned by Avista Corporation located within the NE1/4 and SE1/4 of Section 14, T. 36 N., R. 37 E.W.M., including Stevens County Assessor Parcel Nos. 8000997, 1701700, and 1701400, as further described below:</p> <p><u>Parcel No. 8000997:</u> All that part of the NE1/4 of Section 14, Township 36 North, Range 37 East, W.M., in Stevens County, Washington, being further described as follows:</p> <p>Beginning at the East ¼ corner of said Section 14, said point being marked with a 1-inch pipe; thence along the South line of the NE1/4 of said Section 14, S 87°47'49"W a distance of 402.32 feet to a point on the westerly right of way line of U.S. Highway No. 395, and the true Point of Beginning of the tract to be described; thence along the westerly right of way of said Highway No. 395 the following five courses and distances: N 34°21'43"W 1138.06 feet; N 45°40'19"W 101.98 feet; N 34°21'43"W 700.00 feet; N 17°39'46"W 104.40 feet; N 34°21'43"W 211.28 feet; thence S 55°38'17"W a distance of 206.31 feet to a point on the easterly right of way line of the Burlington Northern Railroad; thence along the easterly right of way line of said Railroad the following three courses and distances: S 13°33'30"W 564.00 feet; N 76°26'30"W 30.00 feet; S 13°33'30"W 906.16 feet; to the beginning of the tangent curve concave to the left of 2814.70 feet radius; thence continuing along said right of way line along said curve a distance of 396.16 feet to a point on the South line of the NE1/4 of said Section 14; thence N 87°57'49"E a distance of 1872.13 feet to the true Point of Beginning.</p> <p><u>Parcel No. 1701700:</u> That part of the NW1/4 of the SE1/4 of Section 14, Township 36 N., Range 37 E.W.M., in Stevens County, Washington, lying East of the right of way for the Great Northern Railway Company.</p> <p><u>Parcel No. 1701400:</u> The N1/2 of the NE1/4 of the SE1/4, the SW1/4 of the NE1/4 of the SE1/4 and the N1/2 of the SE1/4 of the NE1/4 of the SE1/4 of Section 14, Township 36 N., Range 37 E.W.M., in Stevens County, Washington, EXCEPT right of way for Primary State Highway No. 3, Meyers Falls to Kettle Falls bridge, conveyed to State of Washington, by deed recorded in Volume 104 of Deeds, page 538, and deed recorded under auditor's file No. 499697. EXCEPT that portion of the N1/2NE1/4SE1/4 lying North and East of Primary State Highway No. 3.</p>					
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
		SE	14	36N	37E
		NE	14	36N	37E

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
0.535	240	200	Industrial, continuous year round				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Six (6) Wells							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
(2) 8000997 (Well Tag BBL793)	SW	NE	14	36N	37E	61	Stevens
(3) 8000997 (Well Tag BCN998)	SW	NE	14	36N	37E	61	Stevens
(4) 8000997 (planned)	SW	NE	14	36N	37E	61	Stevens
(5) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
(6) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
(7) 1701700 (planned)	NW	SE	14	36N	37E	61	Stevens
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Land owned by Avista Corporation located within the NE1/4 and SE1/4 of Section 14, T. 36 N., R. 37 E.W.M., including Stevens County Assessor Parcel Nos. 8000997, 1701700, and 1701400, as further described below.							
Parcel No. 8000997: All that part of the NE1/4 of Section 14, Township 36 North, Range 37 East, W.M., in Stevens County, Washington, being further described as follows:							
Beginning at the East ¼ corner of said Section 14, said point being marked with a 1-inch pipe; thence along the South line of the NE1/4 of said Section 14, S 87°47'49"W a distance of 402.32 feet to a point on the westerly right of way line of U.S. Highway No. 395, and the true Point of Beginning of the tract to be described; thence along the westerly right of way of said Highway No. 395 the following five courses and distances: N 34°21'43"W 1138.06 feet; N 45°40'19"W 101.98 feet; N 34°21'43"W 700.00 feet; N 17°39'46"W 104.40 feet; N 34°21'43"W 211.28 feet; thence S 55°38'17"W a distance of 206.31 feet to a point on the easterly right of way line of the Burlington Northern Railroad; thence along the easterly right of way line of said Railroad the following three courses and distances: S 13°33'30"W 564.00 feet; N 76°26'30"W 30.00 feet; S 13°33'30"W 906.16 feet; to the beginning of the tangent curve concave to the left of 2814.70 feet radius; thence continuing along said right of way line along said curve a distance of 396.16 feet to a point on the South line of the NE1/4 of said Section 14; thence N 87°57'49"E a distance of 1872.13 feet to the true Point of Beginning.							

Parcel No. 1701700: That part of the NW1/4 of the SE1/4 of Section 14, Township 36 N., Range 37 E.W.M., in Stevens County, Washington, lying East of the right of way for the Great Northern Railway Company.

Parcel No. 1701400: The N1/2 of the NE1/4 of the SE1/4, the SW1/4 of the NE1/4 of the SE1/4 and the N1/2 of the SE1/4 of the NE1/4 of the SE1/4 of Section 14, Township 36 N., Range 37 E.W.M., in Stevens County, Washington, EXCEPT right of way for Primary State Highway No. 3, Meyers Falls to Kettle Falls bridge, conveyed to State of Washington, by deed recorded in Volume 104 of Deeds, page 538, and deed recorded under auditor's file No. 499697. EXCEPT that portion of the N1/2NE1/4SE1/4 lying North and East of Primary State Highway No. 3.

PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,
		SE	14	36N	37E
		NE	14	36N	37E

DESCRIPTION OF PROPOSED WORKS

Two wells (Ecology Well Tag IDs BBL793 and BCN998) were constructed by Avista Corporation in 2010 and 2011, with construction planned of up to four additional wells. The wells tap a confined gravel aquifer at depths of about 270 to 300 feet below ground surface and are in hydraulic continuity with surface water of Lake Roosevelt. The wells are not currently equipped with pumps, but combined are capable of producing in excess of 1,000 gpm. The pumping and conveyance system is currently in design. When constructed, the system will convey water from the wellfield approximately 500 feet northeast to the Kettle Falls Generating Station facility where it will be used for steam plant power generation.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Started.	December 31, 2014	December 31, 2016

REPORT

BACKGROUND

On February 26, 1968 the Town of Kettle Falls, Washington (now the City of Kettle Falls) applied to the Department of Water Resources (predecessor agency to the Department of Ecology) requesting a surface water appropriation of 2.68 cfs for municipal supply from the Lake Roosevelt pool of the Columbia River. The application was approved and water right permit No. 15241 was issued on June 10, 1968, authorizing the appropriation of 2.68 cfs and 960 acre-feet per year (acre-ft/yr) for municipal supply, less any amount used under prior Surface Water Certificates 2366 and 3012. On June 26, 1968 Surface Water Certificate 10372 was issued to the Town of Kettle Falls for the quantities and use described in the permit.

On August 23, 2010 the City of Kettle Falls (City) filed an application with the Stevens County Water Conservancy Board (Board) requesting to add groundwater points of withdrawal in hydraulic continuity with Lake Roosevelt to Surface Water Certificate 10372. On October 18, 2010 the City filed an amended application clarifying the locations of the proposed additional points of withdrawal and the number of wells (six) proposed to be added. The purpose of the requested change was to help the City meet peak summer instantaneous demands. The requested additional points of withdrawal were proposed to be located on property owned by Avista Corporation (Avista), with the intent that the new wellfield would provide industrial water to Avista's Kettle Falls Generating Station (KFGS), reducing demand on the City's other sources. On March 21, 2011 the Board issued a Record of Decision recommending approval of the requested additional points of withdrawal. On May 5, 2011 the Department of Ecology (Ecology) affirmed the Board's decision.

In December 2011, the City submitted an application for assignment to Ecology to assign 0.535 cfs and 200 acre-ft/yr of Surface Water Certificate No. 10372 to Avista, with the City retaining 2.145 cfs and 760 acre-ft/yr. Ecology approved the assignment on January 23, 2012, designating the City's portion of the water right as Surface Water Right Certificate No. 10372(A) and Avista's portion as Surface Water Right Certificate No. 10372(B). A copy of that letter is contained in the water right file.

On February 20, 2012 Avista Corporation of Spokane, Washington filed an application to change the purpose of use, place of use, and points of diversion/withdrawal under Surface Water Certificate No. 10372(B) with the Board. With the current change application, Avista is requesting to:

- Change the purpose of use from municipal to industrial, reflecting that water supply to Avista's KFGS under Surface Water Certificate No. 10372(B) is no longer from a municipal water supply system;
- Change the authorized points of withdrawal to include only Avista's wellfield and remove the City's surface water point of diversion; and
- Change the place of use to include only Avista's property rather than the City's water system service area.

The application was accepted at the Board's open public meeting on February 20, 2011, and was assigned the following processing number: STEV-12-01. Application STEV-12-01 is the subject of this Report of Examination.

Attributes of the water right as currently documented

Name on certificate: Avista Corporation

Water right document number: Surface Water Right Certificate No. 10372(B)

Priority date, first use: February 26, 1968

Water quantities: Qi: 0.535 cfs

Qa: 200 acre-ft/ year

Source: Franklin D. Roosevelt Lake and six wells

Points of diversion/withdrawal:

Surface Water: SW1/4SE1/4 Section 11, Township 36 N, Range 37 E.W.M.

Groundwater: SW1/4NE1/4 and NW1/4SE1/4, Section 14, Township 36 N, Range 37 E.W.M.

Purpose of use: Municipal

Period of use: Continuous

Place of use: The service area described in the current City of Kettle Falls Water System Plan approved by the Washington State Department of Health.

Tentative determination of the water right

The tentative determination is provided on the front page of this report. The Board finds that Surface Water Right Certificate No. 10372(B) is valid and has not been abandoned or relinquished.

History of water use

Water use under Surface Water Right Certificate No. 10372 was evaluated in the Report of Examination for Change to Surface Water Right Certificate No. 10372, approved by the Board on March 21, 2011, and was affirmed for approval in the Department of Ecology Final Order issued on May 5, 2011. The following reproduces the history of water use from that report, supplemented with additional information since approval of the change request.

On February 26, 1968 the Town of Kettle Falls applied for a surface water appropriation from the Lake Roosevelt pool of the Columbia River. The application was approved and water right permit No. 15241 was issued on June 10, 1968, authorizing the appropriation of 2.68 cfs and 960 acre-feet per year (acre-ft/yr) for municipal supply, less any amount used under Surface Water Certificates 2366 and 3012. On June 26, 1968 Surface Water Certificate 10372 was issued to the Town of Kettle Falls for the quantities and use described in the permit.

Until the 1980s, the City relied on surface water supply from Lake Roosevelt, authorized by Surface Water Right Certificates No. 10372 and 11480. After Certificates 10372 and 11480 were issued, the diversions authorized by Surface Water Certificates 2366 and 3012 were not regularly used and these certificates were voluntarily relinquished by the City in 1995. Because of turbidity problems with the surface water source, the City decided to pursue new groundwater sources, applying for groundwater rights and developing a wellfield south of the City near the Colville River. The wellfield came online in 1984 and the City currently holds four groundwater rights (file numbers G3-26691C (A), G3-26691C (B), G3-27700C, and G3-28966). The wellfield and associated groundwater rights are currently used to meet the City's water supply needs.

The Falls Pump Station point of diversion authorized by Certificate 10372 is maintained as a backup emergency source by the City and is plumbed into the distribution system. The Falls Pump Station was first established as an emergency backup source in the City's 1986 Water Facilities Inventory (WFI) report to the Department of Health. Subsequent WFI reports and the City's Water System Plan continued this designation. The City has continued to invest in the Falls Pump Station, overhauling the control valves and rebuilding and lengthening one of the pumps to assure that both pumps would be useable during periods of low water. To ensure the pumps are in good operating condition the City has periodically tested the pumps at the Falls pump station, returning untreated water back to Lake Roosevelt. The current pump capacity of the Falls pump station of 1,200 gpm (2.68 cfs) is adequate to fully exercise the instantaneous and annual quantities authorized by Certificate No. 10372.

In March 2011, the Board recommended approval of the City's request to add six ground water points of withdrawal to Water Right Certificate No. 10372. On May 5, 2011, the Department of Ecology issued Water Right Change Authorization No. 10372, authorizing locations for the additional points of withdrawal to be placed on property owned by Avista. Since approval of the change request, Avista has diligently pursued development of the groundwater source. As of January 2012, two of the authorized six wells have been constructed, consistent with the development schedule for Certificate No. 10372. Avista filed the notice of the start of construction with Ecology on January 31, 2012. Per the development schedule for Water Right Change Authorization No. 10372 issued 5/5/2011, the project is to be completed by December 31, 2014 and water put to full beneficial use by December 31, 2016. Avista expects to meet this development schedule for the (B) portion of the water right that was assigned to Avista by the City.

SEPA

The certificated quantity of the surface water right held by Avista Corporation is less than 1 cfs, therefore this application for change is categorically exempt from SEPA (WAC 197-11-800(4)).

COMMENT AND PROTESTS

Public notice of the application was given in the *Statesman Examiner*, Colville, Washington on February 29 and March 7, 2012. The protest period ended on April 6, 2012.

There were no protests received during the 30 day protest period. In addition, no oral or written comments were received at an open public meeting of the board.

INVESTIGATION

The following information was obtained from a site inspection conducted by Jim Gleaton on April 20, 2012. Jim met with Linda Kiefer, Environmental Specialist and Dale Snyder, Regulatory Compliance Specialist from Avista, at the well sites. There is the original 6" test well #2 (unique well ID tag No. **BBL-793**) and a 12 inch production well drilled at the site. The 12" production well #3 has a unique well ID tag No. **BCN 998**. The two well casings are about 50 feet apart, the 12" casing is furthest north. Neither well has a pump installed yet. Avista is scheduled to begin infra-structure development as soon as the required permits are obtained. Avista will continue getting water from the City for industrial and domestic use at KFGS until they are confident that the well(s) will produce adequate water supply for all of the facility's water needs.

The GPS coordinates are as follows: 6" well (#2) 48°37.081' N. lat. / 118°06.789' W long. (+/- 17'). 12" well (#3) 48° 37.088 N lat. / 118° 06.798 W long. (+/- 20').

Photos and maps of the site are included in the water right file, along with the application for change.

Proposed project plans and specifications

For the past 30 years, the City has provided Avista's KFGS with industrial and domestic water supply from the City's water supply system and water rights, including the surface water source authorized by Surface Water Right Certificate No. 10372. The original 30-year water supply agreement between Avista and the City of Kettle Falls is due to expire in March 2012. As part of a new water supply agreement between both parties, the City has worked with Avista to help with permitting necessary for the development of a new water supply system for Avista's KFGS, including assigning a portion of Surface Water Right Certificate No. 10372 (now known as Surface Water Right Certificate No. 10372(B)) to Avista. The City retained the 'A' portion of that water right, now identified as Surface Water Right Certificate No. 10372(A). Although the City has sufficient water rights to meet demands, the City's 2002 Water System Plan indicates that the pumping capacity at its groundwater wellfield is deficient by 223 gpm during the Maximum Demand Day. Development of this new groundwater source will reduce Avista's industrial water demand on the City's current source capacity-limited groundwater supply system, allowing the City to better meet current and future demands without constructing new City wells. The new wellfield will be owned and operated by Avista and located on Avista-owned property adjacent to the KFGS.

The requested changes to Surface Water Right Certificate No. 10372(B) will not result in increased water use under this right, nor will it pose a risk of impairment to other water rights or exempt wells. The change in purpose of use from municipal to industrial will not alter the current industrial end use of the water, but simply reflects that this water will now be supplied by Avista using the planned KFGS water supply system and that KFGS is not a municipal water supply system. The change in points of withdrawal removes the City's surface water diversion (Falls Pump Station) as an authorized point of diversion, while maintaining the six groundwater wells that were approved in the 2011 Water Right Change Authorization No. 10372. This change will not increase the quantity of water that can be withdrawn from the wellfield beyond what is already authorized.

Two wells have been constructed in the areas authorized for points of withdrawal under Surface Water Right Certificate No. 10372(B). In 2010, Fogle Pump and Drilling (Fogle) of Colville, Washington under contract to Avista, drilled a test well (Ecology Well Tag ID BBL793) in the SW1/4NE1/4 of Section 14 T.36 N. R.37 E.W.M., GPS 48°37.081' N. lat. / 118°06.789' W long., west of the Peach Crest Road and the KFGS facility. The test well was drilled to a total depth of 308 feet below ground surface (bgs), and constructed with six-inch-diameter steel casing from ground surface to 280 feet bgs and six-inch-diameter telescoping steel screen from 280 to 300 feet bgs. In October 2010 a pumping test was performed at the test well using a temporary pump. The well was tested at a constant rate of 160 gpm, the maximum the temporary pump could sustain, for a period of about 22 hours. Maximum water level drawdown in the well during the test was about 2.3 feet.

In September and October 2011, Fogle drilled a production well (Ecology Well Tag ID BCN998) about 50 feet north of the test well, GPS 48° 37.088 N lat. / 118° 06.798 W long. (+/- 20'). The production well was drilled to a total depth of 303 feet below ground surface (bgs), and constructed with 12-inch-diameter steel casing from ground surface to 271 feet bgs and 12-inch-diameter telescoping steel screen from 271 to 301 feet bgs. In December 2011 a pumping test was performed at the production well using a temporary pump. The well was tested at a constant rate of 900 gpm, the maximum the temporary pump could sustain, for a period of about 24 hours. At the end of the test water level drawdown was about 5.9 feet in the pumping well and about 1.7 feet in the non-pumping test well. Combined, the two existing wells are capable of producing in excess of 1,000 gpm, which is sufficient to exercise Surface Water Right Certificate No. 10372(B).

Other water rights appurtenant to the property

Avista submitted Water Right Application No. G3-30632A for the KFGS facility, a 'budget neutral' application, to the Department of Ecology. This application has been assigned a priority date of December 20, 2010.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Currently, there is no active watershed planning effort in WRIA 61. The Board received no comments, protests, or other indications that the proposed change would be detrimental to the public interest. Further, the Board believes this transfer to be in the public interest as it will reduce peak industrial water use demands on the City's water system, allowing for future growth in the Kettle Falls Urban Growth Area (UGA) under the City's existing water rights.

Tentative Determination

The Stevens County Water Conservancy Board finds that Water Right Certificate 10372(B) is valid and has not been abandoned or relinquished. The tentative determination of the extent and validity of the water right is provided on the front page of this report.

CONCLUSIONS

Tentative determination (validity and extent of the right)

The Board finds that a valid water right exists for Surface Water Right Certificate No. 10372(B) for a Qi of 240 gpm (0.535 cfs) and a Qa of 200 acre-ft/yr.

Relinquishment or abandonment concerns

The Board finds no evidence of relinquishment or abandonment of the water right under consideration.

Consideration of comments and protests

No Public comments were received by the Stevens County Water Conservancy Board or Ecology.

Impairment

The Board finds no indication that the requested changes to the purpose of use, place of use, and points of withdrawal will cause impairment of other groundwater uses.

Public Interest

The Board finds that the proposed change does not appear to be detrimental to the public interest. Further, the Board finds that the additional points of withdrawal will better serve the citizens of Kettle Falls and the mandate to supply water in the UGA by reducing industrial water demands on the City's water distribution system.

DECISION

Based on the above investigation and conclusions, the Board's decision is to Approve the requested purpose of use, place of use, and points of withdrawal as follows:

Purpose of Use and Quantities

240 gpm (0.535 cfs), 200 acre-ft/yr for year-round industrial use

Place of Use

SE1/4 and NE1/4 of Section 14, T. 36 N., R. 37 E.W.M., including Stevens County Assessor Parcel Nos. 8000997, 1701700, and 1701400.

Points of Withdrawal

Three wells to be located in the SW1/4NE1/4 of Section 14, Township 36N, Range 37 E. Willamette Meridian; and
Three wells to be located in the NW1/4SE1/4 of Section 14, Township 36N, Range 37 E. Willamette Meridian.

PROVISIONS

Conditions and limitations

In accordance with WAC 173-160, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of the boundary of a solid waste landfill.

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

Total diversion from the six wells for Water Right Certificate No. 10372(B) shall not exceed 240 gpm (0.535 cfs) and 200 acre-feet per year.

All wells shall be tagged with a Department of Ecology unique well identification number. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
Required installation and maintenance of an access port as described in WAC 173-160-291(3).

An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

Water use data shall be recorded weekly and maintained by Avista Corporation for a minimum of five years, and shall be promptly submitted to Ecology upon request.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

A superseding certificate of water right will not be issued until a final examination is made.

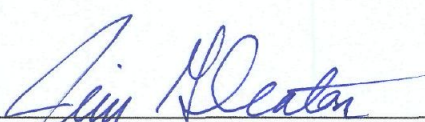
New wells will be completed to a depth comparable to the test well and in hydraulic continuity with the test well and Lake Roosevelt (Columbia River).

Construction Schedule

- | | |
|---|-------------------|
| • Begin construction of Project: | Started |
| • Completion of Project: | December 31, 2014 |
| • Complete change and put water to beneficial use by: | December 31, 2016 |

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Colville, Washington
This 21st of May, 2012



Jim Gleaton, Board Representative
Stevens County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer